

## United States Enrichment Corporation

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meeting, and the persons present, and such statement shall be retained by the Corporation.

(b) The Corporation shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (h) or (j) of § 1101.6, the Corporation shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(c) The Corporation shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two (2) years after such meeting, or until one year after the conclusion of any Corporation proceeding with respect to which the meeting or portion was held, whichever occurs later.

(d) Within a reasonable time after the adjournment of a meeting closed to the public, the Corporation shall make available to the public, at the Corporation's headquarters, the transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Corporation determines to contain information which may be withheld under § 1101.6. Copies of such transcript, electronic recording or minutes shall be furnished to any persons at the actual cost of duplication or transcription.

### § 1101.8 Report to Congress.

The Corporation shall report to the Congress annually regarding its compliance with the requirements of the

Government in the Sunshine Act, 5 U.S.C. 552b.

## PART 1102—PROCEDURES FOR DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

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AUTHORITY: 5 U.S.C. 552.

SOURCE: 59 FR 27437, May 27, 1994, unless otherwise noted.

### § 1102.1 Purpose.

This part prescribes the procedures by which records of the United States Enrichment Corporation may be made available pursuant to section 1314 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2297b-13, and the Freedom of Information Act, 5 U.S.C. 552.

### § 1102.2 Definitions.

As used in this part—

*Commercial use request* means request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a request for records properly belongs in this category, the Corporation will look to the use to which a requester will put the documents requested. When the Corporation has reasonable cause to doubt the use to which a requester will put the records sought, or where the use is not clear from the request itself, it will seek additional clarification before assigning the request to a specific category. If still in doubt, the Corporation will make the determination based on the factual circumstances surrounding

the request, including the identity of the requester.

*Corporation* means the United States Enrichment Corporation.

*Duplication* means the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others.

*Educational institution* means a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education, which operates a program or programs of scholarly research.

*FOIA* means the Freedom of Information Act, 5 U.S.C. 552.

*Freedom of Information Officer* means the person designated to administer the FOIA at the Corporation's headquarters.

*General Counsel* means the General Counsel of the Corporation or any Corporation attorney designated by the General Counsel as having responsibility for counseling the Corporation on FOIA requests.

*Headquarters* means the Corporation's offices at 2 Democracy Center, 6903 Rockledge Drive, Bethesda, Maryland 20817.

*Non-commercial scientific institution* means an institution that is not operated on a "commercial" basis and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

*Records* means books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Corporation in connection with the transaction of the Corporation's business and preserved by the Corporation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Corporation or because of the informational value of data in them. The term does not include *inter alia*, books, mag-

azines, or other materials acquired solely for library purposes and available through any officially designated library of the Corporation, or records that have been prepared by a contractor, and are available to the Corporation pursuant to the terms of a contract between the Corporation and the contractor (e.g., the contract for the operation and maintenance of the Corporation's leased gaseous diffusion plants), but which have not been delivered to the Corporation.

*Representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they will be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

*Review* means the process of examining documents located in response to a commercial use request to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

*Search* means all the time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. The search should be

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conducted in the most efficient and least expensive manner. Searches may be done manually or by computer using existing programming.

*Working days* means all days except Saturdays, Sundays, and legal public holidays.

### § 1102.3 Policy.

The Corporation will make records concerning its operations, activities, and business available to the public upon request. Records will be withheld from the public only in accordance with the FOIA and this part. Records that may be exempt from disclosure may be made available as a matter of discretion when disclosure is not prohibited by law, and it does not appear adverse to legitimate interests of the public, the Corporation, or any person. The Corporation will attempt to provide assistance to requesting parties, including information about how a request may be submitted. The Corporation will act on requests for records in a timely manner.

### § 1102.4 Public reading room.

(a) The Corporation will maintain in a public reading room at its headquarters the materials which are required by 5 U.S.C. 552(a)(2) and (5) to be made available for public inspection and copying, unless it is determined that such records should be withheld and are exempt from mandatory disclosure under the FOIA and § 1102.6 of this part.

(b) The public reading room will maintain and make available for public inspection and copying current indices of the materials which are required to be indexed by 5 U.S.C. 552(a)(2) or other applicable statutes. Because publication of such indices is unnecessary and impracticable and because current versions thereof will be available for inspection at the Corporation's public reading room, it is determined and so ordered that the Corporation will not publish the indices in the Federal Register.

(c) Certain records maintained in the public reading room or otherwise made available pursuant to this part may be "edited" by the deletion of identifying details concerning individuals, to prevent a clearly unwarranted invasion of

personal privacy. In such cases the record shall have attached to it a full explanation of the deletion.

### § 1102.5 Availability of records on request.

(a) In addition to the records made available through the public reading room, the Corporation will make records available to any person in accordance with paragraphs (b) and (c) of this section, unless it is determined that such records are exempt from mandatory disclosure under the FOIA and § 1102.6 of this part and that such records should be withheld by the Corporation.

(b) *Requests.* (1) A request will be acceptable if it identifies a record with sufficient particularity to enable officials of the Corporation to locate the record with a reasonable amount of effort. Requests seeking records within a reasonably specific category will be deemed to conform to the statutory requirement of a request which "reasonably describes" such records if professional employees of the Corporation who are familiar with the subject area of the request would be able, with a reasonable amount of effort, to determine which particular records are encompassed within the scope of the request, and to search for, locate, and collect the records without unduly burdening or materially interfering with operations because of the staff time consumed or the resulting disruption of files. If it is determined that a request does not reasonably describe the records sought as specified in this paragraph, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of this paragraph and shall extend to the requester an opportunity to confer with Corporation personnel in order to attempt to reformulate the request in a manner that will meet the needs of the requester and the requirements of this paragraph.

(2) To facilitate the location of records by the Corporation, a requester should try to provide the following kinds of information, if known: (i) the specific event or action to which the record refers; (ii) the unit or program of the Corporation which may be responsible for or may have produced the